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COMMISSION ON HUMAN RIGHTS

Forty-sixth session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 28 February 1990, at 10 a.m.

Chairman: Mrs. QUISUMBING (Philippines)

later: Mrs. REGAZZOLI (Argentina)

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The meeting was called to order at 10.20 a.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 12) (continued) (E/CN.4/1990/5, 21, 22 and Corr.1 and Add.1, 24-27, 28 and Add.1, 51, 52, 55, 57, 60-63, 69, 70, 73, 74, 78 and 80; E/CN.4/1990/NGO/1, 3, 9, 10, 15, 19, 23-27, 31, 32, 34, 35, 40, 47, 53-55, 58, 60, 62, 63 and 65; A/44/526, 573, 620, 622, 635, 669 and 671)

1. Mr. KERKINOS (Observer for Greece), speaking in exercise of the right of reply to a statement made by the representative of Turkey a few days previously, said that, if the findings of the Commission and the European Commission on Human Rights were taken into consideration and if the resolutions adopted by the General Assembly and the Security Council were respected, then the confidence desired by Turkey could be genuinely restored.

2. Mr. NGO Hac Team (Observer for Cambodia) said that the Vietnamese aggression against and occupation of Cambodia since 1979 represented a veritable crime of genocide directed against the Cambodian people. In 1978-1979, about 200,000 Vietnamese soldiers, supported by hundreds of tanks and the most sophisticated weapons provided by a great Power, had mercilessly killed about 500,000 Cambodian civilians. The aggressors had plundered the country, had taken Cambodian rice to Viet Nam and burned the rice paddies, causing widespread famine and the death of 500,000 Cambodians.

3. In 1985, the infamous K5 plan involving forced labour in mine-infested war zones had led to the death and mutilation of about 40,000 persons. The following year there had been another 10,000 victims. That plan was part of a Vietnamese strategy designed to obtain on the spot the necessary work-force for the war of aggression, but it was also a plan to exterminate the Cambodians so as to facilitate the establishment of Vietnamese settlements. In that connection, he said that Doctor Esmeralda Luciolli, who had worked in occupied Cambodia from 1984 to 1986 for the French Red Cross, had decided to speak out and to describe the frightful conditions to which the Cambodians had been subjected, including malnutrition and a high death rate.

4. Since 1981, the occupiers had used various chemical weapons to exterminate the Cambodian population, particularly by poisoning village wells in the dry season. Of 60,000 civilians affected, more than 10,000 had died and about 40,000 were seriously ill.

5. The total number of persons imprisoned in the country amounted to about 35,000, with reports of torture, death and disappearances. The aggressors were plundering Cambodian's works of art, including statues of Buddha in gold, silver, bronze or precious stones. When searching the villages, the aggressors frequently raped Cambodian women and girls.

6. The language of the occupier was compulsory from the primary school onwards. Geography had been changed with redesigned Vietnamese/Cambodian frontiers, modified to the benefit of Viet Nam, and Cambodian history had been rewritten according to the spirit of the Indo-Chinese Federation, in a programme of acculturation.

7. The installation of Vietnamese settlers was a serious violation of article 49 of the 1949 Geneva Convention relative to the Protection of Civilian Persons in Time of War. Since 1979, according to a systematic plan, Hanoi had settled in Cambodia about 1,300,000 Vietnamese, spread over six of the richest and most fertile areas, for the purpose of gradually altering the geography and demography of Cambodia. The settlers were partly armed and participated in the repression against Cambodians who did not wish to provide rice to the occupiers. However, Hanoi brazenly denied the existence of the settlers and accused Cambodia of being racist in respect of the Vietnamese "residents" and of preparing future ethnic purges, whereas it itself had ordered the puppet régime to "naturalize" those settlers in order to prepare them to vote or be elected in the forthcoming elections.

8. Hanoi was simultaneously seeking to infiltrate Vietnamese agents into villages, communes and provinces in order to build a secret network that could destabilize any future Cambodian Government which did not conform to the strategy of Hanoi's Indo-Chinese Federation. It was therefore essential that those settlers, who were part of the Vietnamese occupation forces, should be repatriated within the comprehensive settlement under international supervision.

9. HRH Prince Sihanouk, the President of Cambodia, had made it clear that Vietnamese who provided proof of having been resident in Cambodia prior to 1970 could remain there.

10. Within the country, several million Cambodians had been forced to abandon their lands and homes in order to take refuge in the hinterland, the forest, or mountains in order to escape the repression of the occupiers, thereby becoming refugees in their own country. The Hanoi authorities also bore a heavy responsibility in respect of the Vietnamese people. A Vietnamese general had recently revealed that the Vietnamese expeditionary corps in Cambodia had sustained casualties amounting to 50,000 dead and an equal number of injured; in other words, at least 100,000 young Vietnamese had been sacrificed as cannon fodder in Cambodia.

11. He would like to know how many gulags there were in Viet Nam and how many hundreds of thousands of boat people had perished at sea. He wondered how many Khmer Krom had been wiped out or chased from their ancestral lands.

12. While there was ample evidence regarding all those crimes committed by Hanoi, the Cambodian people had spared no effort to find a just, durable and comprehensive political solution. The five-point peace plan put forward by HRH Prince Sihanouk did not demand anything belonging to Viet Nam, not even war damages, but merely the total and verified withdrawal of all Vietnamese forces from Cambodia. It agreed to place on an equal footing within a quadripartite provisional Government of reconciliation both patriots and those who had collaborated with the invader and occupier, and entrusted the United Nations with a decisive role to ensure the proper conduct of the entire peace process.

13. The solution to the problem of "Cambodia" depended entirely on Viet Nam. His delegation had the honour to represent a people who had been waging a struggle for 11 years at the cost of untold sacrifices for national independence, liberty and survival. That struggle had not only frustrated a

long-standing desire for an Indo-Chinese Federation under the control of Viet Nam but had also helped to preserve the peace, security and stability of the region.

14. Mr. WALDEN (Observer for Israel) said that he wished to refer to the plight of the Jews of Syria who numbered nearly 4,300 persons, most of whom lived in Damascus but some in Aleppo. The community was held hostage by the ruling authorities under close surveillance by the security forces who maintained their headquarters in the very midst of the Jewish district. The Jewish schools, of which there were two in Damascus and one in Aleppo, were run by the Syrian authorities, in order to maintain control over them. On the rare occasions that foreigners were allowed to visit the community, they were closely followed by members of the security services.

15. When Jews were allowed exit permits, they were obliged to pay immense sums to the authorities as a deposit. In fact, the granting of exit visas to Jews amounted to a source of income for the various officials involved as well as an occasion for pressure and blackmail. The Jews were also obliged to leave some members of their family behind as hostages. Jews suspected of intending to leave without the permission of the authorities or of wishing to visit their relatives in Israel were subjected to interrogation and severe torture. Those who had been in Syrian prisons were usually crippled for life as a result of the physical and mental torture they had suffered.

16. The Syrian authorities had begun to recognize the plight of unmarried women, who had no chance of having families, owing to the lack of suitable young men. Nevertheless, the process of obtaining exit permits for those women sometimes took many years.

17. He hoped that the Commission would call on the Syrian Government to ease the intolerable situation of the Syrian Jews.

18. Mr. NASSERI (Observer for the Islamic Republic of Iran) said, with regard to the statement by the United States representative referring to the Rushdie case, that freedom of speech had nothing to do with insults to the most sacred values of a fourth of the world's population. That criminal act had breached the fundamental principles of moral law. It was surprising that the representative of an administration which considered an insult to the national flag an act that should be prohibited and punishable by law could view an insult to a great religion as a mere exercise of the right to free expression. The Iranian delegation had noted in the United States representative's statement a comment which could not but be interpreted as an expression of support for a group that its own administration, in official directives, had recognized as terrorists for some time.

19. With regard to the accusations made by a terrorist group against the Special Representative on the situation of human rights in the Islamic Republic of Iran, his delegation felt awkward at having to defend a Special Representative to whose mandate it had objected in the past. However, on a personal note, he felt obliged to mention how sad it was that the Special Representative had been forced to face the media to defend his integrity and conscience while his staunchest supporters had remained silent.

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20. The Special Representative's report (E/CN.4/1990/24) contained many elements with which his delegation disagreed. For example, it did not believe that the suggested continuation of monitoring was quite in line with the observations and conclusions in the report.

21. After drawing attention to the conclusions contained in paragraphs 239-251 of the report, he referred to a suggestion made by the Special Representative elsewhere in the text regarding an academic study on the compatibility of Islamic and international law. In his delegation's opinion, that was a positive endeavour, since many tenets of international law had been formulated without a balanced participation by the Islamic and developing countries.

22. He failed to see the need for continued monitoring. The Special Representative confirmed that he had received full co-operation from the Iranian Government during his visit. From the standpoint of fairness, objectivity and non-selectivity, monitoring in the case under consideration would constitute a prejudice. What was important was that the Commission and his Government were working in a spirit of co-operation, and his delegation was prepared to consider proposals for a consensus that would enhance that co-operation.

23. Mrs. NUNEZ d'ESCORCIA (Observer for Nicaragua) said that, because the majority of the people of Nicaragua had joined the struggle of the Sandinist Front, it had been possible to overthrow 44 years of dictatorship by the Somoza family, supported by the Government of the United States. As the Sandinist Front had enjoyed the support of the people of Nicaragua, it had been able to develop a popular social and political project which had succeeded in eradicating illiteracy, improving the health system, reducing the rate of infant mortality, ensuring a more equitable distribution of land, and making it possible for the people to exercise its right to self-determination.

24. The above accomplishments clearly meant that it had been necessary for Nicaragua to cease being dependent on the Government of the United States and to become non-aligned. That had irritated the United States administration and as a result it had blocked Nicaragua's efforts at economic development and had organized, financed and directed the *contras*.

25. Nevertheless, since the Sandinist Front enjoyed both national and international support, it had been able to denounce before the world that policy of death directed against the people of Nicaragua and had succeeded in obtaining from the International Court of Justice a condemnation of the United States for its criminal acts against the Nicaraguan people. The Court had called on the United States to cease those actions and to indemnify the Nicaraguan people.

26. The results of the elections held on 25 February 1990 did not refute those facts or indicate that the people of Nicaragua had ceased to be Sandinists. It was a further reflection of the people's desire to ensure that their basic needs were met. The results of the elections had demonstrated that the exercise of political rights depended to a great extent on realistic alternatives being available to the people to exercise their economic rights and their right to development.

27. The main reason why the Sandinist Front had not won the elections was that the military and economic aggression by the United States had obliged it to concentrate most of its resources on the defense of national sovereignty and had prevented it from being able to offer the various necessary social benefits it had wished to provide to the people. Furthermore, the five-year-old economic blockade by the United States had also substantially damaged the economy and impoverished the people of Nicaragua.

28. The economic crisis had worsened not because of the inability or lack of desire on the part of the Sandinist Front to carry out economic development for the benefit of the disadvantaged sectors of the population, but because the United States Government had sealed off all possibilities for the economic development of the Nicaraguan people while the Front remained in power. That had caused a sector of the Nicaraguan population to cease manifesting its support of the Sandinist Front although it continued to view the Front as a defender of its interests. That sector had been constrained to vote in favour of a coalition because it seemed that, since it represented the interests of the United States, the coalition would be able to secure the lifting of the economic blockade and obtain the required economic aid.

29. Many Governments of developing countries which were members of the Commission could testify that they had often been unable to vote as they wished for fear of economic reprisals on the part of the United States Government. They would therefore be able to understand that a sector of the Nicaraguan people had voted for the National Opposition Union solely in an attempt to end the economic blockade and receive from the United States Government the assistance needed for survival.

30. Those points had been underscored by President Ortega in his speech of 25 February 1990, in which he had emphasized that the Government would respect and carry out the popular mandate which had emerged from the elections. For the moment, that was the main contribution which the Sandinist National Liberation Front (FSLN) could make to the Nicaraguan people and to the regional peace process. She hoped that the other Central American Governments would comply with the Esquipulas II agreement and create the conditions in their respective countries for the holding of genuinely democratic elections such as those just held in Nicaragua.

31. Within the National Assembly, the FSLN would continue, from the vantage point of the opposition and with the support of the people, to defend national sovereignty and the interests of the most disadvantaged. It would monitor the actions of the new Government, oppose any policies of "selling out" and any new United States intervention, and defend a multi-party system and national sovereignty and democracy, which had been won through sacrifice. She called upon the United States of America to end its arbitrary and unjustified policy towards her country.

32. Mr. ESPAÑA-SMITH (Observer for Bolivia) said that the significant events of the recent past had undoubtedly created a political and social climate more conducive to the enjoyment of fundamental human rights. There was an accelerating movement for democracy in a number of societies, which had led to the overthrow of authoritarian rulers and régimes. Democracy, which was pluralistic by definition, was in itself a crystallization of human rights. He welcomed the democratic transformations taking place in Eastern Europe, and hoped that the assistance needed by the countries in that region would be forthcoming through a net increase in international co-operation.

33. It was to be hoped, furthermore, that the recent positive developments would contribute to a solution of long-standing problems, such as the case of the Palestinian people, whose human and political rights must be restored through some formula which took into account the interests of all the Middle Eastern countries concerned, including Israel.

34. The conditions in Haiti were an exception to the general process of restoration of constitutional government in Latin America. His Government reiterated its support for the exercise by the Panamanian people of their right to self-determination without foreign intervention or internal pressures of any kind. With regard to Chile, the re-establishment of a representative Government was encouraging. It was to be hoped that that country, once democratized, would adopt a stance conducive to the resolution of regional problems and the achievement of a better overall climate for human rights.

35. It was regrettable that, despite the efforts of the United Nations and the Secretary-General, the question of Cyprus had practically reached a standstill. He looked forward to the renewal of discussions between the two communities leading rapidly to a negotiated solution.

36. His Government welcomed Namibia's accession to independence and was heartened by the recent promising events in South Africa. None the less, the international community must maintain an active and vigilant stance until apartheid was abolished once and for all.

37. Together with the other delegations that had expressed their concern at the recent events in China, his own delegation fervently hoped that the fundamental rights of the Chinese people would be permanently guaranteed.

38. The scourge of drug trafficking posed a serious threat to the enjoyment of human rights. The fight against it would be effective only if the countries of the world assumed shared responsibility and undertook joint actions, with the clear understanding that the problem could not be dealt with solely by repressive means.

39. It must be realized that drug trafficking was linked to structural problems and bound up with the right to development. It was also closely related to the economic rights and right to survival of impoverished peasants, including those in Bolivia, who were virtually denied access to other activities and therefore almost predestined to maintain their illicit crops.

40. The main thrust of the joint war against drug trafficking must consist of substituting development for the growing of coca. His Government would continue its campaign to repress drug trafficking in a manner consistent with its laws and sovereignty. He therefore rejected any idea of using chemical and biological substances, which posed a grave danger to the environment and the homelands of indigenous and peasant populations. The fight against the multi-billion-dollar drug economy must be pursued on all fronts with energy and courage, such as the Andean countries had shown.

41. Mrs. Regazzoli (Argentina) took the Chair.

42. Mrs. SEMICHI (Observer for Algeria) said that the question of human rights in Cyprus remained a subject of concern to the international community, including the non-aligned countries. Her Government had always been attached to the basic principles of self-determination and respect for the fundamental

rights and freedoms of all the inhabitants of Cyprus, without any form of discrimination. Algeria had advocated the search for a negotiated solution which could lead to a peaceful settlement of the problem of Cyprus, based on respect for its national sovereignty, territorial integrity and independence.

43. Her delegation deeply appreciated the efforts made by the Secretary-General to bring about a rapprochement between the two sides and a resumption of negotiations aiming at a viable solution. It was important that the two parties concerned should demonstrate their willingness to continue the dialogue and confidence in the Secretary-General's conduct of the negotiations. Her delegation reiterated its trust in the Secretary-General and its hopes for a successful outcome. If Cyprus could recover its serenity, that would undoubtedly make an important contribution to peace throughout the Mediterranean region.

44. Mr. BOS (Baha'i International Community) said that, for 10 years, his community had been involved in the Commission's efforts to advance the cause of human rights throughout the world, as well as to seek intervention on behalf of its persecuted members in Iran. In placing their trust in the moral authority of the international community, as represented by the General Assembly and the Commission, the Baha'is had not been disappointed.

45. Having repeatedly called for an impartial examination of the evidence of persecution of the Iranian Baha'is and its underlying causes, his community had welcomed the Special Representative's recent visit to Iran. It was deeply disappointing, therefore, to have to report that only one of the Baha'i witnesses in Iran, together with an interpreter, had been able to meet the Special Representative, and then only with great difficulty. The Special Representative had not been able to meet any of the Baha'i prisoners to whom access had been promised.

46. The Iranian Baha'is, had they been free to speak, would have substantiated the facts which had been laid before the United Nations over the previous decade. That they had been prevented from doing so, despite the Government's assurances, underlined the seriousness of the threat facing them.

47. Nevertheless, he deeply appreciated the report prepared by the Special Representative (E/CN.4/1990/24). One of its conclusions was that the situation of the Baha'is was moving towards broad de facto tolerance. Although encouraged by the views of the Special Representative, he was compelled to state that there had been no change in the Iranian Government's official policies towards Iranian citizens of the Baha'i faith. The Baha'is had no right to practise their religion and no official recognition as a community. Their holy places had been destroyed and their properties confiscated.

48. Some 10,000 Iranian Baha'is had been dismissed from the civil service without redress or compensation and were even required to pay back the salaries they had received. Baha'i students had not been readmitted to universities, and Baha'is were still denied the right to travel abroad or to obtain passports.

49. In the face of a massive body of evidence that the persecution was motivated solely by religious intolerance, the Iranian Government's denials should not be taken seriously by the Commission. The same was true of the accusation levelled by the Iranian authorities that the Baha'is were a subversive political organization and a community of spies serving foreign Powers. The Government had failed to produce a scrap of evidence to support such charges. He categorically denied that the Baha'is had been involved in any kind of partisan political activity.

50. While the Iranian authorities had given signs of responding to the Commission's concerns - the frequency of executions of Baha'is had declined since late 1987, and a number of prisoners had been released since May 1989 - his community remained deeply concerned. According to a Reuters report dated 11 February 1990, a general amnesty recently announced by the Iranian Government expressly excluded members of the Baha'i faith, who were placed in the same category as rapists and drug dealers.

51. The Iranian Baha'is sought no special privileges or treatment, merely the civil and human rights which their fellow Iranian citizens enjoyed. He therefore appealed for the complete cessation of all forms of persecution of the Iranian Baha'is and for the firm establishment of their human rights and liberties, including the right of belief. Until a real change occurred, he trusted that the cause of the defenceless Baha'is would continue to be championed by the Commission, and that their protection by the international community would be a symbol of hope to all others like them.

52. Mrs. PARKER (Disabled Peoples' International) said she wished to draw the Commission's attention to several situations involving violations of the right to life and security of the person as well as the rules of humanitarian law, and resulting in the death, disfigurement and permanent impairment of hundreds of thousands of previously healthy and able-bodied persons.

53. In El Salvador, during the recent armed conflict in the capital and other major urban areas, the Government forces had carried out extensive military operations in civilian neighbourhoods, especially the poorer ones. While civilian casualties incidental to an otherwise legal military operation did not automatically constitute violations of humanitarian law, no military operation should be carried out when there was a substantial likelihood of widespread civilian casualties which were not commensurate with the military objective.

54. To make matters worse, the Government had failed to provide medical treatment to many wounded persons, and had in fact prevented humanitarian organizations and individual doctors from doing so. In several well-documented instances, war-wounded civilians and combatants of the opposition had been removed from hospitals during and immediately after the November 1989 combat. Their whereabouts were unknown. Accurate figures on civilian and combatant casualties, and the medical needs of disabled survivors, were impossible to obtain.

55. In mid-November 1989, medical personnel from the United States of America, Spain and the Federal Republic of Germany had been arrested while giving medical care to war-injured persons and pregnant women. Few evacuations of severely disabled persons had been permitted, and then only as a result of protracted negotiations and demonstrations. She thanked the Government of Mexico for its efforts in that regard.

56. During the United States invasion of Panama, military operations had been carried out in built-up areas with, as a result, numerous civilian casualties, but the United States Government would not disclose the numbers, claiming that the information was classified. Such actions, including the cover-up, were in direct violation of the Geneva Conventions, which specifically required States to search for the dead and wounded and to provide adequate medical care to those needing attention. The United States Government remained liable for all injuries and deaths caused by military operations carried out in violation of the norms of international law.

57. In the course of the armed conflicts in Ethiopia and the Sudan, there had been continual interference with medical relief and food distribution among the civilian populations in the affected areas. She urged all the parties involved to comply fully with the rules of armed conflict and to avoid causing death or permanent impairment to protected civilians and combatants.

58. Her organization welcomed the withdrawal of the Indian peace-keeping force from Sri Lanka and the renewed efforts of all the parties concerned to achieve a peaceful settlement of the dispute. None the less, she underscored the urgent medical needs of the numerous civilians and combatants permanently injured during the conflict and the need to rebuild medical facilities destroyed by the peace-keeping force. She welcomed the fact that the Sri Lankan Government had allowed the International Committee of the Red Cross to carry out activities in the affected areas, and urged the Indian and Sri Lankan Governments to provide funds and services for the rehabilitation of those disabled as a result of the war.

59. In the view of her organization, denying medical care to poor or orphaned children represented a crime against humanity. Although the practice was widespread, nowhere had the right to health been more egregiously violated than in Romania, where babies were infected with the AIDS virus because the then Government would not spend the few pennies a day needed for disposable syringes. To compound that grotesque violation of human rights, the Government had denied the problem and thereby prevented the international community from responding. She urged the Government of Romania to seek out and prosecute persons in the former régime who had been accomplices to that policy and called upon the international community to insist on an open disclosure by all countries of epidemic and endemic diseases and to make resources available to address that problem as a matter of the highest priority.

60. Other violations of the right to health resulted from the inadequate control of industrial waste and toxic or experimental chemicals and drugs. Information obtained regarding sites used by the military of the United States in Puerto Rico had shown that 16 of them warranted further study, because of an unduly high incidence of cancer and other diseases caused by hazardous materials. Two areas in Puerto Rico near some of those sites had had a very high incidence of infants with birth defects. Rather than openly admitting the problem or providing the necessary medical care, the Government of the United States had instituted a programme of sterilization of women in the affected areas. It was alleged that as many as 45 per cent of the women in those areas had undergone sterilization

61. In conclusion, whatever the many competing interests burdening their resources, States were in violation of the right to life and security of the person and the right to health when they failed to take available steps to eliminate preventable disability.

62. Mr. TOURAN (International Falcon Movement - Socialist Educational International) said that his organization was indignant at the Special Representative's report on the human rights situation in the Islamic Republic of Iran (E/CN.4/1990/24). It was not surprised that the Iranian régime had broadcast a lengthy programme praising the report and asserting that all allegations of human rights abuses had thus lost their credibility.

63. In paragraph 244 of the report, it was stated that there had been no public executions for five months prior to the Special Representative's visit, whereas even the régime's official press had reported at least 44 public executions during that period. The names of the victims were available and had been submitted to the Commission. Since the Special Representative's return, some 40 cases of public execution had been officially announced, some of them by beheading, stoning or burning.

64. In response to the names that had been given to him of 16,000 political prisoners executed by the régime, the Special Representative had referred to the fictitious statements of a few people and concluded that four of those names were not correct (para. 242). He wondered why no statement had been made as to the accuracy of information regarding the other 15,996 prisoners.

65. It was indecent to understate the murderous crimes of the mullahs and to portray them as victims, while referring to the just resistance of a nation struggling for peace and democracy as terrorism. He inquired about all the cases of human rights violations presented to the Centre for Human Rights over the past eight years, and the ten volumes of documents, including prison plans, locations of mass graves, names of prisoners and names of torturers transmitted to the Special Representative by the mujahidin.

66. The Special Representative had known that the Evin Prison had been prepared long in advance for visits by foreign reporters, and it was strange that he had not asked to visit another prison. Instead of providing specific answers concerning the execution of at least ten political prisoners as drug traffickers, the Special Representative had simply denied that such executions had occurred, on the basis of statements made by régime officials (para. 243).

67. According to reports that the mujahidin had obtained from within the régime, the Special Representative's visit had been rigged so that he had met not members of the families of the victims, but the régime's own agents. It was regrettable that a mujahidin representative had been unable to accompany the mission and that the requests for an extension of the visit had been rejected.

68. The Commission must adopt a resolution severely condemning the Khomeini régime for its continued practice of torture and other forms of repression. It must reject the Special Representative's report, which was blatantly biased and untrue. A new Special Representative must be appointed to examine the atrocities of the régime, with a mandate that allowed him sufficient time to inspect all the centres of torture and mass graves and to hear the testimony of witnesses. To guarantee the accuracy of the mission's findings, a

representative and interpreter from the mujahidin and the Iranian Resistance must accompany the Special Representative on the visit. The Commission must condemn the Khomeini régime in order to prevent further executions.

69. Mr. PREJEAN (International Indian Treaty Council) said that removing Indian peoples from their traditional territories or allowing encroachment by non-Indians on traditional Indian lands constituted acts of genocide. Such practices violated the religious freedom of indigenous peoples, whose spirituality was linked to the land, and also resulted in the disruption of Indian culture and the displacement and impoverishment of indigenous peoples. Examples of the imminent risk of genocide with regard to Indian peoples abounded throughout the hemisphere.

70. In the United States, the Alaska Native Claims Settlement Act attempted to eliminate traditional elder types of government, and the traditional elders council of Yupiks, Inupiats and Inuits petitioned the Commission to promote comprehensive conferencing, adequately funded, to allow a dialogue to begin among the widely scattered villages, on the right of those peoples to self-determination. In Arizona, the Government was trying to expel the Hopi and Diné peoples from their traditional, sacred, lands because of the mineral resources they contained.

71. In Hawaii, the greedy quest to harness geothermal energy was a direct affront to the indigenous people of Hawaii in their spiritual belief in the fire goddess that had created the Hawaiian Islands. Geothermal exploitation also meant pollution through poisonous gases. A proposed military site at the southern tip of the Hawaiian archipelago would jeopardize the surrounding indigenous communities, exposing them to mercury poisoning. Of grave concern was the possibility that subsistence hunters and fishers would be denied access to that sacred site. Elsewhere in Hawaii, the indigenous inhabitants of Anahola Kauai were facing unjust eviction, and their land rights were being ignored.

72. In Ecuador, the Government had granted contracts to oil companies to exploit the traditional Indian territory of a number of indigenous groups, especially the Cofan. The Huaorani were also facing a crisis because Ecuador had allowed the oil company "Conoco" to begin construction of a road 175 km long through their traditional land. The officially recognized Huaorani territory was too small to support that indigenous people, which faced starvation.

73. In Brazil, the Yanomani nation was also facing genocide because the land it had been allotted was too small for subsistence. Outsiders continued to encroach upon traditional lands, many of which had become ecological wastelands.

74. The Commission had already noted that the human rights situation in Guatemala continued to deteriorate. The number of cases of murder, torture and disappearances perpetrated against the indigenous population was on the rise. The Guatemalan Government had failed to assert its authority or to address the country's economic and social crisis. It was clear that the armed

forces equated human rights with subversion and that the worst kind of tortures persisted. The Commission, which had an historic responsibility towards the people of Guatemala, should name a special rapporteur to investigate the situation there.

75. In Chile, torture, disappearances and the assassination of political opponents of the Pinochet régime continued. The military dictatorship had imposed Decree No. 2568, which was destroying the cultural identity of indigenous peoples, in particular the Mapuche. The Commission must reopen its consideration of the human rights situation in Chile, support the work of a special rapporteur on the question and call for the repeal of the genocidal Decree No. 2568.

76. Mr. ESQUINO (International Indian Treaty Council)) said that the human rights of the Mayas, Loncas and Nahuats were being seriously violated in El Salvador. On 22 February 1983, 74 Indians from the Las Hojas region had been murdered on the orders of Colonel Elmer Gonzales Araujo, orders that had been executed by Captain Carlos Alfonso Figueroa Morales and Major Oscar León Linares of Military Detachment No. 6 of the town of Sonsonante. Massacres, ill-treatment and death threats continued to be commonplace, and he called upon the Commission to help bring about real democracy in El Salvador, to investigate the human rights situation of Indians in that country and to hold the Government of El Salvador responsible for human rights violations there.

77. Mrs. Quisumbing (Philippines) resumed the Chair.

78. Mr. KAMAROTOS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities) said that the Government of Albania denied its people the right to choose their leaders, the right to believe or not believe in God, the right to leave the country and return thereto, the right to family reunification, the right of workers to determine the value of their labour, the right to own and dispose of private property, the right to speak one's mind freely, the right to have access to the communications media and the right to establish associations. In the case of the Greek minority, it also denied the right to a cultural identity.

79. The Albanian régime was attempting to deceive world public opinion about the unabated brutual oppression of the Greek minority, as much evidence showed. For example, on 11 October 1989, the four sons of Foto Prasos from the village of Pepeli had been caught trying to leave the country and had been brutally beaten, the youngest of the four subsequently dying from the ill-treatment. The Albanian Government had denied the whole affair and had refused a request by Greek officials to visit the brothers. In another attempt to escape the country on 6 February 1990, two men had been shot to death by border guards. In January 1990, students at a technical institute in Shkoder had been brutally beaten for demanding improved living and studying conditions.

80. The international community owed the Albanian people the same support that had proved decisive in advancing the cause of freedom everywhere from Romania to South Africa. The Commission must call upon Albania to allow the large numbers of Greeks that had been exiled for years to return to their homes and to put an end to the forced assimilation of the Greek minority.

81. Mrs. PARKER (Friends of the Earth) said that there was a relationship between human rights and the environment. Man-made pollution clearly affected the right to life on a massive scale, and for that reason, Governments must take affirmative steps to protect life by ensuring a safe environment. As a corollary, Governments had a duty to monitor risks and establish early-warning systems, to share with other States information about known risks and to assume criminal or civil responsibility under international law for creating dangerous environmental conditions, whether deliberately or through negligence. That was of particular importance for the world's poor, who suffered most from man-made pollution.

82. At the Commission's previous session, the representative of the Ukrainian Soviet Socialist Republic had called upon it to begin drawing up new human rights standards, relating, inter alia, to protection of the environment; and her organization urged the Commission to address the issue of gross human rights violations stemming from environmental degradation.

83. Such violations included the movements of hazardous wastes, an example being the contract between a United States company and the Government of Guinea Bissau to dispose of such wastes; the Basle Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, although an important step, did not expressly recognize the rights of individuals or provide the latter with remedies.

84. Unsafe working conditions, such as the carcinogenic conditions to which some uranium miners had been exposed in the United States, and the inadequately controlled manufacture and distribution of dangerous products, often without full disclosure of the hazards, constituted further violations.

85. The destruction of the Huaorani people's forest habitat for petroleum extraction and other developments, involving the concentration of that people on reserves and the introduction of settlers, was but one example of the destruction of a sustaining environment; other examples were to be seen in Guatemala, where chemical spraying had led to widespread ecological damage, and in Tibet, where huge areas were being deforested by China - a situation which could not substantially improve until Tibetans were in a position to reassert their traditional practices and culture, founded on a balanced relationship with nature.

86. Mr. TIEN (Habitat International Coalition), speaking on behalf of 20 non-governmental organizations in consultative status with the Economic and Social Council said that many non-governmental organizations had submitted to the Commission evidence of the grave human rights situation in Tibet, including the widespread use of torture and other inhuman and degrading treatment of detainees, the use of excessive and lethal force against unarmed protesters, the restriction of religious and cultural activities, racial discrimination against Tibetans and demographic aggression. Those were gross and systematic violations of human rights designed to destroy the very spirit and national identity of the Tibetan people. The NGOs for which he was speaking respectfully request the Commission to appoint a special rapporteur to investigate and report on the human rights situation in Tibet, with a view to United Nations action to restore the Tibetan people's rights, including the right to self-determination.

87. Mr. ROA KOURI (Cuba), speaking in exercise of the right of reply, said that the representative of the United States of America was well aware that, in Cuba, there were no cases of torture, assassination or disappearances; the United States representative's very presence testified to that fact.

88. The trial of Arnaldo Ochoa and other ex-officers of the armed forces and the Ministry of the Interior had been conducted in public, with full media coverage. Their most regrettable deeds, unique in the country's history, had been proved and, as a result, four of the accused had been condemned to death. The sentences did not amount to "murders", as asserted by the United States representative. The Cuban Government, unlike the Government of the United States, did not promote movements or direct forces which went in for indiscriminate killings.

89. There were many forms of government throughout the world - absolute and constitutional monarchies, parliamentary and semi-parliamentary régimes, and countries with many political parties, a single party or none at all. There were genuine people's régimes and others which opposed the people. In the United States, in the last analysis, there was only one party - the capitalists. It was preposterous, therefore, for the United States representative to lecture the rest of the world about the electoral process.

90. Cuba, which had gained its independence and achieved its revolution without external help and in the face of United States imperialism, was socialist and would remain so despite its powerful neighbour.

91. Mr. CHONG Yong Ryung (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that the representative of the United States, a country beset by unemployment, poverty and crime, in which many races suffered discrimination and deprivation, had criticized the human rights situation in several other countries, including the Democratic People's Republic of Korea.

92. There was no worse violation of human rights than dividing a nation in two; the United States, having rejoiced at the tearing down of the Berlin Wall, should therefore decide to dismantle the wall south of the Military Demarcation Line that marked the division of Korea, and should withdraw all its troops and nuclear weapons, thereby putting an end to its colonial domination over the south of Korea. He would disclose to the Commission, at a later opportunity, details of the United States' violations of human rights in both the north and south of Korea.

93. Mr. GLAIEL (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said it might seem strange that the representative of an entity based on violations of human rights should voice alleged concern for such rights, and in respect of one group only, the Jews who lived in the Syrian Arab Republic; but that so-called issue had already been revealed as a politically-motivated fabrication, and a part of the Zionists' schemes.

94. The whole world had seen through Zionist policy and was aware of its adverse effects, even on the Zionist régime's own citizens, who were conscripted to serve its military purposes. The Commission had already adopted, at its current session, a resolution expressing its view about the policy of expelling inhabitants of the occupied Arab territories and introducing settlers there.

95. He reiterated that there was no "problem" with regard to Jews in the Syrian Arab Republic: they had the rights and duties of all other Syrian citizens. Visitors were able to affirm that Jews could exercise their own religion and culture as well as the right of access to State schools. With regard to matters such as conscription and foreign travel, the rules applied to Jews and other citizens without distinction. And the Jews' current numbers, much lower than they had previously been, surely showed that those who wished to leave the country were free to do so.

96. Mr. KERKINOS (Observer for Greece), speaking in exercise of the right of reply, said that the observer for Turkey, in his references to Greece, had seen fit to overlook Turkey's own policies and practices, whose record stood condemned, inter alia, by resolutions adopted by the European Parliament and the United States Congress as well as by the testimony of highly-esteemed human rights organizations. The astonishing assertions concerning the Muslim community in Greece were refuted by the details provided in the letter addressed to the Secretary-General by the Greek Minister of Foreign Affairs (E/CN.4/1990/73); those details, and other available data, as well as the dwindling numbers of the Greek minority in Constantinople compared to the increase in the Muslim minority in Thrace, mentioned in paragraphs 12-14 of that document, made it quite clear which party was truly implementing the Treaty of Lausanne.

97. His delegation fully associated itself with genuine expressions of concern for the situation of minorities as a factor of stability. But it was important that all statements in that regard should respect existing legalities.

98. Mr. WIRAJUDA (Observer for Indonesia), speaking in exercise of the right of reply, said that a number of statements by representatives of member States and non-governmental organizations had referred to alleged incidents in Indonesia in a sporadic way which did not warrant any extensive response; some of them, regrettably, had been based on little or no research, and a few had been delivered without conviction.

99. With regard to the statements relating specifically to East Timor, it was hard to distinguish between those based on genuine concern for human rights and those with political motivation. Some statements had merely repeated allegations levelled during the Commission's discussion of a previous agenda item, and had dramatized two isolated events; and so-called reports and testimonies had proved to be no more than the paraphrasing of statements circulated earlier. That sort of manipulation of the Commission should not be tolerated.

100. His delegation had already clarified matters relating to the demonstrations during the Papal Mass on 12 October 1989 and the United States Ambassador's visit on 17 January 1990. It regretted that certain delegations had seen fit to join in the orchestrated move referred to, as if there own human rights records were clean; but it had also noted with appreciation the good intentions of several delegations in encouraging further enjoyment of human rights in all their aspects.

The meeting rose at 1 p.m.